

REMARKS/ARGUMENTS

Applicants have carefully reviewed the above identified application in light of the Office Action dated December 15, 2004. Claims 1-22 remain presented for examination. Claim 18 has been amended.

Claims 1, 7, 14, 16 and 18 are the only independent claims.

Applicants note with appreciation the indication that Claims 3-6 and 9-12 would be allowable if rewritten so as not to depend from a rejected claim, and with no change in scope. These claims have not been so rewritten because, for the reasons given below, their base claim is believed to be allowable.

Claims 7-8 were rejected under 35 U.S.C. § 102(e) as being anticipated by Papakonstantinou et al., DTD Inference for View of XML Data, ACM, May 2000, pages 35-46 (Papakonstantinou). Claims 14-19 were rejected under 35 U.S.C. § 102(e) as being anticipated by Moh et al. Re-engineering Structures from Web Documents, ACM June 2, 2000, pages 67-76 (Moh). Claims 1 and 2 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Papakonstantinou. Claims 1, 2, 7, 8, 13 and 20-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moh.

With respect to all rejected claims, claims 1, 2, 7, 8, 13-22, Applicants traverse the rejection as neither Papakonstantinou nor Moh is prior art to the present invention under 35 U.S.C. §102(e). As listed in the Form PTO-892 accompanying the Office Action, the effective date of Papakonstantinou reference is May 2000. The effective date of the Moh reference is June 2, 2000. However, while the effective filing date of the present application is June 16, 2000, as set forth in the inventor's declaration submitted herewith, the invention was made prior to April 2000.

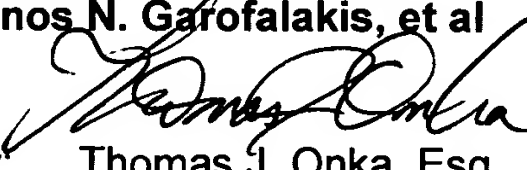
Applicants submit that the declaration submitted herewith clearly establishes reduction to practice prior to the effective date of the cited prior art references. Further, as evidence of their due diligence in this matter, applicants wish to note that in the time frame between the transmittal to the inventors of the April 28, 2000 draft of the application (Exhibit B of the declaration) and the filing of the application on June 16, 2000; reviews and discussion of the invention were conducted between Stephen Weed, Esq., who prepared the application, and the inventors and managing attorney of Lucent.

During this time frame revised drafts of the application were prepared and subsequently reviewed.

In light of the above facts and the declaration submitted herewith, applicants submit that neither Papakonstantinou nor Moh is prior art under the statute.

Accordingly, all rejected claims, claims 1, 2, 7, 8, 13-22, distinguish over the prior art of record.

In view of the foregoing amendments and remarks, this application is now in condition for allowance. Applicant respectfully requests the Examiner to issue a Notice of Allowance at the earliest possible date. The Examiner is invited to contact Applicants' undersigned counsel by telephone call in order to further the prosecution of this case in any way.

Respectfully Submitted,
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